RECEIVED
CENTRAL FAX CENTER

OCT 1 6 2006

Remarks/Arguments:

Claims 1-20 are pending in the above-identified application.

Claims 1-2, 4-16 and 18-20 were rejected under 35 U.S.C. § 102(b) as being anticipated by Le Gall et al. Applicant respectfully requests reconsideration of this rejection.

With regard to claim 1, Le Gall et al. does not disclose or suggest,

> ... sensing information **contained in** a display device having a display format, the sensed information being indicative of the display format of the display device...(Emphasis added).

Basis for this amendment may be found in paragraph [0190].

Le Gall et al. converts a raster display in a native format of an originating device 12 to a universal raster format so the raster display can be displayed by a receiving device 15. (Col. 3, lines 17-45). A formatting box 14 provides the conversion by generating a header and transmitting the header to a conversion unit 16. (Col. 3, lines 45-60 and Fig. 1). Next, Le Gall et al. disclose that "the conversion unit 16 also receives a header 22 from the receiving device 15 and its associated formatter 18." (Col. 3, lines 65-67). From Figure 1 and the specification, the receiving device 15 and its associated formatter 18 in Le Gall et al. are disclosed as separate devices. Le Gall et al. do not disclose that the header information is contained in the display device, as recited in claim 1. One skilled in the art would assume that the header is generated by the formatting box 18.

Because Le Gall et al. does not disclose or suggest the features of claim 1, claim 1 is not subject to rejection under 35 U.S.C. § 102(b) in view of Le Gall et al. Claims 2 and 4 depend from claim 1. Accordingly, claims 2 and 4 are also not subject to rejection under 35 U.S.C. § 102(b) in view of Le Gall et al.

With regard to claim 6, claim 6, while not identical to claim 1, includes features similar to those set forth above with regard to claim 1. Thus, claim 6 is also not subject to rejection for the same reasons as those set forth above with regard to claim 1. Claims 7-12 depend from claim 6. Accordingly, claims 7-12 are also not subject to rejection under 35 U.S.C. § 102(b) in view of Le Gall et al.

With regard to claim 13, Le Gall et al. does not disclose or suggest "a digital register **integral with** the display device..." (Emphasis added) Basis for this amendment may be found in the specification at page 57, para. [0190]). Examiner asserts that a digital register, as recited in claim 13, is met by the formatting box 14, which processes a header 20 in the form of Fig. 2 of Le Gall et al. Figure 1 of Le Gall et al. includes formatting box 14 and formatting box 18. Formatting box 14 is connected to originating device 12. Formatting box 18 is connected to receiving device 15. Thus, Applicant assumes the Examiner meant to assert that that the digital register, as recited in claim 13, is met by the formatting box 18. Formatting box 18 is not, however, integral with the receiving device 15. Rather, the receiving device 15 and its associated formatter 18 in Le Gall et al. are disclosed as separate devices. (Col. 3, lines 65-67 and Fig. 1).

Because Le Gall et al. do not disclose or suggest the features of claim 13, claim 13 is not subject to rejection under 35 U.S.C. § 102(b) in view of Le Gall et al. Claims 14-16 depend from claim 13. Accordingly, claims 14-16 are also not subject to rejection under 35 U.S.C. § 102(b) in view of Le Gall et al.

With regard to claim 18, claim 18, while not identical to claim 13, includes features similar to those set forth above with regard to claim 13. Thus, claim 18 is also not subject to rejection for the same reasons as those set forth above with regard to claim 13. Claims 19-20 depend from claim 18. Accordingly, claims 19-20 are also not subject to rejection under 35 U.S.C. § 102(b) in view of Le Gall et al.

Claims 3 and 17 were rejected under 35 U.S.C. § 103(a) as being unpatentable in view of Le Gall et al. and Official notice taken by the Examiner. Applicant respectfully requests reconsideration of this rejection. With regard to claim 3, Le Gall et al. does not disclose or suggest,

> ... automatically determining the display format for the display device based on the manufacturer and model number read from the register...(Emphasis added).

Applicants agree, at the time the Application was filed, the format for a display device based on the manufacturer and model number could be determined by having a person look at a table or at manufacturer literature. Applicants submit, however, that at the time the Application was filed, the manufacturer and model number could not be found in the register, in

the display device as defined in claims 3 and 17. Applicants further submit, at the time the Application was file, the format for a display device based on the manufacturer and model number could not be determined by reading the register, as defined in claim 3.

This use of Official Notice is not consistent with USPTO policy, as stated in the memorandum of February 21, 2002 from Stephen G. Kunin, Deputy Commissioner for Patent Examination Policy to the Patent Examining Corps Technology Center Directors. In The memorandum is entitled: "Procedures for relying on facts which are not of record as common knowledge or for taking Official Notice," it is stated:

> Official notice unsupported by documentary evidence should only be taken by the examiner where the facts asserted to be well-known, or to be common knowledge in the art are capable of instant and unquestionable demonstration as being well-known. . .
>
> It would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known. For example, assertions of technical facts in the areas of esoteric technology or specific knowledge of the prior art must always be supported by citation to some reference work recognized as standard in the pertinent art.
>
> It is never appropriate to rely solely on "common knowledge" in the art without evidentiary support in the record, as the principal evidence upon which a rejection was based. . . (emphasis in original)

Applicants respectfully traverse the Official Notice, common-knowledge, assertion upon which this rejection was based. There is no evidence in the record that at the time the Application was filed, the manufacturer and model number could be found in the register, as defined in claims 3 and 17. Nor is there any evidence in the record that the format for a display device based on the manufacturer and model number could be determined by reading the register, as defined in claim 3.

If the Examiner continues to assert that this element of claims 3 and 17 is well known, Applicants respectfully request that a "citation to some reference work recognized as standard in the pertinent art" be provided.

RECEIVED
CENTRAL FAX CENTER

OCT 16 2006

Appln. No.: 10/672,773
Amendment Dated October 16, 2006
Reply to Office Action of July 14, 2006

In view of the foregoing amendments and remarks, Applicants request that the Examiner reconsider and withdraw the rejection of claims 1-20.

Respectfully submitted,

Kenneth N. Nigon, Reg. No. 31,549
Attorney(s) for Applicant(s)

KNN/pb

Dated: October 16, 2006

☒ P.O. Box 980
Valley Forge, PA 19482
(610) 407-0700

☐ P.O. Box 1596
Wilmington, DE 19899
(302) 778-2500

The Director is hereby authorized to charge or credit Deposit Account No. 18-0350 for any additional fees, or any underpayment or credit for overpayment in connection herewith.

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office (571-273-8300) on the date shown below.

October 16, 2006
Patricia C. Boccella

PB_H:\NRPORTBL\RP\PCBOCCELLA\71680_1.DOC